

# EXHIBIT 5



**CITY OF KIRKLAND**  
**Human Resources Department**  
**123 Fifth Avenue, Kirkland, WA 98033; 425.587.3210**  
**www.kirklandwa.gov**

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**MEMORANDUM**

**To:** Erik Gustafson, Firefighter  
**From:** Truc Dever, Human Resources Director  
**Date:** 12/29/2021  
**Subject:** Notice of Termination

On December 3, 2021, you were notified by Deputy City Manager James Lopez that your accommodation from COVID-19 vaccination would be ending on December 31, 2021. As you are aware, without an accommodation or vaccination, you cannot perform an essential function of your position. You were given until Monday, December 20, 2021 to submit a voluntary separation letter, or else the City would proceed with the pre-separation process. That process has included a notice of proposed separation and the option for you to meet with Fire Chief Joseph Sanford and Human Resources Director Truc Dever.

On December 27, 2021 at 10:00am, you met with the Fire Chief and HR Director for a pre-separation meeting. We thank you for your attendance at this meeting. During the discussion you were made aware that the City would be separating you from employment as of December 31, 2021 if you were unable to provide proof of a COVID-19 vaccination or have an accommodation exempting you from vaccination pursuant to the City's vaccination mandate for firefighter/EMTs. You were afforded an opportunity to provide orally or in writing any additional information that would be relevant to the City's decision regarding your separation. By the conclusion of the meeting, you had presented no additional information for the City's consideration that weighs against separation.

In accordance with the City's vaccination policy and as discussed with Local 2545, we are terminating your employment with the City of Kirkland effective December 31, 2021.

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Truc Dever, Human Resources Director

CC: Personnel File